

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - DETROIT**

IN THE MATTER OF:

Exigent Landscaping, LLC
dba Exigent Design and Build,
Debtor.

Case No. 23-46912-tjt
Judge Thomas J. Tucker
Chapter 7

**ORDER MODIFYING THE AUTOMATIC STAY AS TO
23 MILE STORAGE, LLC**

This case is before the Court on the paper filed on February 12, 2024 by the creditor 23 Mile Storage, LLC (the “Creditor”), entitled “Notice of Default” (Docket # 154, the “Notice”), by which the Creditor seeks relief from stay with respect to the property located at 13246 23 Mile Rd, Shelby Twp, MI 48315 (the “Property”). Based on the Notice, and on the Order entered on September 8, 2024 (Docket # 58), the Court finds good cause to enter this Order.

IT IS ORDERED as follows:

1. The automatic stay as to the Creditor is terminated with respect to the Property, to the extent described in paragraph 2 below.
2. This Order will allow the Creditor to pursue any and all state court remedies to regain possession of the Property.¹

¹ The Creditor seeks to have the following language also included in this Order:

If the current Bankruptcy Case is dismissed, for any reason, then there shall be a 180 day bar to re-filing as to Creditor and the subject property only without any further notice, hearing, or motion being required.

The Court declines to include this language in this Order, however, because of the recent conversion of this case from Chapter 11 to Chapter 7. In addition, the wording of this provision is problematic. It is unclear what it means to say that “there shall be a 180 day bar to re-filing **as to Creditor and the subject property only**” (emphasis added). A bar to re-filing would bar the Debtor from filing a new bankruptcy case, and would affect all creditors, not just this “Creditor . . . only.”

Signed on February 13, 2024



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge